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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,001	01/20/2004	Mark E. Patton	BW-DKT03097	1633
32175	7590	12/22/2004	EXAMINER	
BORGWARNER INC. POWERTRAIN TECHNICAL CENTER 3800 AUTOMATION AVENUE, SUITE 100 AUBURN HILLS, MI 48326-1782				CHERRY, STEPHEN J
		ART UNIT		PAPER NUMBER
		2863		

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/761,001	PATTON, MARK E.	
	Examiner Stephen J. Cherry	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 January 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-7 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 20 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1-20-2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to because of informalities including:

1. In figure 1, the spacing between reference number 24a, which appears not to be in the specification, and reference number 28, is too small. The purpose of the three dots 24 near the top of the drawing is unclear.
2. In figure 3b, the reference lines are drawn through identifying characters.
3. The shading and characters of figure 4-6 are unclear.

Applicant is requested to review all of the drawings and correct errors.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of informalities including:

1. At page 5, line 2, the specification recites, "cannot received communication".
2. At page 5, line 4, "when" should be capitalized.

Applicant is requested to review the application and correct errors.

Appropriate correction is required.

Claim Objections

Claims 1-7 are objected to because of the following informalities:

1. It is not clear that the expressions in parenthesis are intended to be limiting of the scope of the claims.
2. Claim 4, at line 4, refers to "the a first sensor".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,247, 768 to Elmer et al.

Claim 1 recites, as disclosed by Elmer:

1. A method for determining the range of a dimensional parameter of a multiplicity of members, comprising: providing at least two sensors including a first sensor and a second sensor ('768, col. 2, line 42); fixing a set of constant distances between the sensors including at least one distance between the first sensor and the second sensor, such that the relative distances between sensors are fixed and free from adjustment during the sensors' sensing operation ('768, col. 2, line 42); and measuring the dimensional parameter based upon a ratio of a first time segment and a second time segment, whereby no adjustment of the relative distance between sensors is required ('768, col. 3, line 5-12).

Claim 2 recites, as disclosed by Elmer:

2. The method of claim 1, wherein the first time segment is a duration of time starting when a first sensor starts recording as a fixed point of a member among the multiplicity of members, and ending when a second sensor starts recording as the fixed point of the member ('768, col. 3, line 11).

Claim 3 recites, as disclosed by Elmer:

3. The method of claim 1, wherein the second time segment is a duration of time required for the length of a member to pass a single sensor among the at least two sensors ('768, col. 3, line 11).

Claim 4 recites, as disclosed by Elmer:

4. A method for determining the range of a dimensional parameter of a multiplicity of members, comprising:
providing two sensors, including a first sensor and a second sensor ('768, col. 2, line 42);
fixing a constant distance between the a first sensor and a second sensor such that the relative distances between sensors are fixed and free from adjustment ('768, col. 2, line 42);
moving the multiplicity of members relative to the two sensors;
predetermining a point on each member ('768, fig. 1, and col. 1, line 1);
recording a first time segment; recording a second time segment; and
computing a dimension of the member ('768, col. 3, line 5).

Claim 5 recites, as disclosed by Elmer:

5. The method of claim 4, wherein the dimension of the member comprises the length of the member ('768, col. 3, line 5-12).

Claim 6 recites, as disclosed by Elmer:

6. The method of claim 4, wherein the first time segment is the time segment from a point in which the length of member entering the first sensor range until the point is sensed by the second sensor ('768, col. 3, line 11).

Claim 7 recites, as disclosed by Elmer:

7. The method of claim 4, wherein the second time segment is the time segment required for the length of the to pass a single sensor, wherein the sensor is the first sensor or the second sensor ('768, col. 3, line 11).

Conclusion

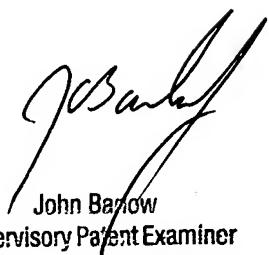
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 4,550,504 to Mehnert, and 4,984,458 to Montgomery et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJC



John Barlow
Supervisory Patent Examiner
Technology Center 2800